

REMARKS

Disposition of the Claims

Claims 1-24 are pending in the application.

In the Office Action it is noted that:

Claims 3, 4, 13, 14, 16-18 and 22-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims;

Claims 1, 2, 5, 11, 12 and 15 are rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 4,613,782 to Mori et al. ("Mori"); and

Claims 6-10 and 19-21 are allowed.

Claim Objections

The objection to claims 3, 4, 13, 14, 16-18 and 22-24 as being dependent upon a rejected base claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, is noted. However, the independent claims from which these claims depend are considered to be in condition for allowance. Accordingly, rewriting these dependent claims in independent form would involve unnecessary expense and effort.

Therefore, it is respectfully requested that the objection to claims 3, 4, 13, 14, 16-18 and 22-24, as being dependent upon a rejected base claim, be reconsidered and withdrawn.

Telephone Interview

The courtesy of the telephone interview granted by Examiner Addison on March 26, 2003, is acknowledged with appreciation. During the interview, the Section 102 rejections of claims 1, 2, 5, 11, 12 and 15 were discussed. The discussion included an explanation to the Examiner, of how the present claims distinguish Mori.

Specifically, it was pointed out that Mori does not disclose driving a displacement element and displacement expander to oscillate at substantially supplementary phase angles. For example, Mori fails to disclose driving items 1 and 18a of Fig. 1 at substantially supplementary phase angles.

Rejection under 35 U.S.C. § 102(b)

The rejection of claims 1, 2, 5, 11, 12 and 15 under 35 U.S.C. § 102(b) over Mori is respectfully traversed based on the following.

As pointed out during the above-mentioned telephone interview, Mori fails to disclose “a driver for driving...that **oscillates the displacement element** at a first phase angle **and** oscillates the **displacement expander** at a second phase angle substantially **supplementary** to said first phase angle...” as recited in claim 1. (Emphasis added)

Mori is related to an actuator having a piezo-electric device 1, which the Office action equates to a displacement element, and connected to a resultant motion mechanism 18, which the Office Action equates to a displacement expander. Mori discusses driving the piezo-electric device 1 out of phase with another piezo-electric device 2, however Mori fails to disclose having a substantially supplementary phase angle between a piezo-electric device 1 and the resultant motion mechanism 18. Therefore, since Mori fails to disclose all of the limitations of claim 1, Mori cannot anticipate claim 1, or claims 2 and 5 which depend from claim 1.

With respect to claim 11, and claims 12 and 15 which depend from claim 11, it is respectfully submitted these claims recites similar features as claim 1 and, therefore, patentably distinguish over Mori for the reasons discussed in connection with claim 1.


Accordingly, it is respectfully requested that the rejection of claims 1, 2, 5, 11, 12 and 15 under 35 U.S.C. § 102(b) over Mori be reconsidered and withdrawn.

CONCLUSION

In view of the foregoing remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed. Any fee required for such Petition for Extension of Time, and any other fee required by this document, other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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